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From: Nelson, Cheryl
Sent: Mon 7/28/2014 6:04:44 PM
Subject: Question: EPA oversight of DTSC document
Background on EPA oversight of DTSC permitting.docx

All-

Kelly and I are pulling together some materials for Jeff for his meeting Friday with the LA Strike Force on Exide. One of the things he asked for was the "one pager" on our oversight of DTSC. I think he is referring to the attached document (I've also pasted it below) but wanted to make sure that this is the correct one and the most recent. I show this document saved on October 28, 2013. Do any of you have any information about a more current document or a different one that he might be referring to? If this is the right document anyone have any edits/updates before we add it to the package of stuff we're pulling together for Jeff?

Thanks All!

Background on EPA oversight re: DTSC RCRA Permitting

EPA primarily oversees DTSC's permitting program through work commitments established under the RCRA hazardous waste grant (approx \$7M per year for all RCRA haz. waste programs in CA).

- DTSC is provided annual Grant Guidance addressing permitting and other RCRA requirements based on national guidance and performance standards.
- Negotiated annual Grant workplans provide specific deliverables for CA based on national program performance measures (GPRA).
- Monthly staff calls and quarterly senior management meetings are held with DTSC to review program progress and raise issues.
- EPA conducts quality reviews of a limited number of permits. The last few years we have focused these reviews on hazardous waste landfills (e.g. Buttonwillow & Kettleman)
- DTSC submits quarterly and end of year written accomplishment reports to EPA.
- EPA conducts formal end year evaluations (written and verbal) of DTSC grant and

program performance.

Effectiveness of EPA's oversight

- [REDACTED] Our oversight has been very effective in pushing DTSC and all of our states towards achieving initial permit controls (i.e., issuing a facility's initial permit). DTSC is above the national goal for initial permits issued at RCRA facilities.
- [REDACTED] In the last three years, DTSC has met the national performance target for issuing RCRA hazardous waste permits (not counting facilities only regulated by the state).
- [REDACTED] DTSC has made progress addressing their state and federal permit renewal backlog (45% of expired permits renewed in 2007, 68% in 2009, 75% in 2013), but remain below the national average for federal permits.
- [REDACTED] During the previous DTSC administration, EPA raised concerns about their permitting program – lack of timely renewals, quality concerns, and lack of mgmt oversight on high priority sites (e.g. Kettleman). Under the current state administration, substantial progress is being made to address these issues (e.g., DTSC's reorganization is increasing staffing for permitting, recently completed third party permitting audit, improved coordination on Kettleman).

Holes in EPA's oversight

- [REDACTED] Declining federal budgets to EPA is reducing our ability to oversee state programs.
- [REDACTED] Budget sequestration in FY13 resulted in a 5% cut to state RCRA grants, and if sequestration continues, an additional cut will occur in FY14. However, most of DTSC's program is fee for service funded.
- [REDACTED] R9 doesn't have the FTE to review all DTSC permits; we must prioritize our reviews.
- [REDACTED] There is little national guidance addressing RCRA permitting best practices.

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Other things to point out:

- [REDACTED] California regulates above and beyond what EPA regulates under the federal program; hence, DTSC's workload includes many permits that wouldn't need a federal permit. Many of DTSC's issues with permit renewals are for State-only permits.

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